

# Bill Summary Comparison of Health and Human Services

Senate File UEH1233-1

Article 5

Department of Human Services  
Program Integrity and Office of  
Inspector General

House File 1233-3

Article 5: Department of Human  
Services Program Integrity and  
Office of Inspector General

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SENATE

HOUSE

Section	Article 5: Department of Human Services Program Integrity and Office of Inspector General		Article 5: Department of Human Services Program Integrity and Office of Inspector General
1	(13.461, subd. 6) amends the Data Practices Act to clarify that data related to child care fraud investigations are governed under Minnesota Statutes, section 245E.01, subdivision 15.	Senate-only provision.	
2	(243.166, subd.7) amends the statute governing sex offender registration data to authorize access to the data by the Commissioner of Human Services for purposes of completing background studies under the licensing law.	Identical	<b>Sec. 1. Use of data.</b> Amends § 243.166, subd. 7. Allows the commissioner of human services to have access to the predatory offender registry for purposes of completing background studies under chapter 245C.
3	(245C.04) requires the Commissioner of Human Services to develop and implement an electronic process for the regular transfer of new criminal history information that is added to the Minnesota court information system. It would include only information that relates to individuals who have been the subject of a background study and remain affiliated with the agency that initiated the study. System requirements are specified.	Senate uses the phrase “criminal case information” and House uses “criminal history information.” Otherwise identical.	<b>Sec. 2. Agency background studies.</b> Amends § 245C.04, by adding subd. 4a. Paragraph (a) requires the commissioner to develop an electronic system to access new criminal history information from the Minnesota court information system. The commissioner must limit access to review only information that related to individuals who have been the subject of a background study and are affiliated with the agency that initiated the study.  Paragraph (b) requires the commissioner to develop an online system for agencies that initiate background studies to access and maintain records of background studies initiated by that agency. Requires that agencies notify the commissioner when an individual is no longer affiliated with the agency.
4	(245C.08, subd. 1) amends background study requirements for studies conducted by the Department of Human Services to add reviewing information regarding registration as a sex offender. In addition, the commissioner must review criminal history information received under the new provisions contained in section 3.	Identical	<b>Sec. 3. Background studies conducted by Department of Human Services.</b> Amends § 245C.08, subd. 1. Requires the commissioner to review information from the predatory offender registry when performing a background study. Allows the commissioner to review criminal history information from the Minnesota court information system that relates to individuals who have already been studied under this chapter and remain affiliated with the agency that initiated the background study.

SENATE

HOUSE

Section	Article 5: Department of Human Services Program Integrity and Office of Inspector General		Article 5: Department of Human Services Program Integrity and Office of Inspector General
5	(245C.32, subd. 2) requires the commissioner to recover costs for background studies under Minnesota Statutes, section 524.5-118 through a \$50 fee for an individual who has not lived outside Minnesota for the past ten years, and \$100 for an individual who has resided outside the state for any period during the ten years preceding the background study.	Fees are different. House fees are \$22 and \$37, and Senate fees are \$50 and \$100.	<b>HF1160, Art. 3</b> (Omnibus judiciary bill) Passed floor on 04/19/13.
6	(245E.01) adds a new section governing child care provider and recipient fraud investigations within the child care assistance program.  This section requires the department to investigate alleged or suspected financial misconduct by providers and errors related to payments, issue determinations after an investigation is completed, and allow for an appeal of the determination.	Senate-only provision.	
7	(256B.04, subd. 21) allows the commissioner to pursue Medicaid provider recoveries through new recovery mechanisms. The sections require all suppliers of durable medical equipment, prosthetics, orthotics, and supplies to name DHS as an obligee on all surety performance bonds required under federal law. DHS may require a provider to purchase a performance surety bond as a condition of enrollment. Section 10 requires all personal care assistance provider agencies to show proof of surety bond. This section is effective the day following final enactment.	Identical	<b>Sec. 4. Provider enrollment.</b> Amends § 256B.04, subd. 21. Requires the commissioner to publish a list of provider types designated “limited,” “moderate,” or “high risk” based on federal criteria. Requires suppliers of durable medical equipment, prosthetics, orthotics, and supplies operating in Minnesota to name the department, in addition to CMS, as an obligee on surety bonds. Allows the department to require a provider to purchase a performance bond as a condition of enrollment, reenrollment, reinstatement, or continued enrollment under specified circumstances.  Provides an immediate effective date.
8	(256B.04, subd. 22) requires the commissioner to collect and retain federally required nonrefundable application fees to pay for provider screening activities in accordance with federal law.	Identical	<b>Sec. 5. Application fee.</b> Amends § 256B.04, by adding subd. 22. Authorizes the commissioner to collect and retain federally required application fees for screening and enrollment of medical assistance providers. Imposes an application fee of \$532 for calendar year 2013 and provides

SENATE

HOUSE

Section	Article 5: Department of Human Services Program Integrity and Office of Inspector General		Article 5: Department of Human Services Program Integrity and Office of Inspector General
			the fee calculation for the following years. Provides an immediate effective date.
9	<b>(256B.0624, subd. 1a)</b> allow the commissioner to impose a fine on a vendor of medical care under Minnesota Statutes, chapter 256B, for failure to correct errors in the maintenance of records for which a fine was imposed and for missing required documentation.	Identical	<b>Sec. 6. Grounds for sanctions against vendors.</b> Amends § 256B.064, subd. 1a. Adds that the commissioner may impose sanctions against a vendor of medical care for failure to correct errors in the maintenance of records for which a fine was imposed or after a warning was issued by the commissioner.
10	<b>(256B.064, subd. 1b)</b> , allow the commissioner to impose a fine on a vendor of medical care under Minnesota Statutes, chapter 256B, for failure to correct errors in the maintenance of records for which a fine was imposed and for missing required documentation.	Identical	<b>Sec. 7. Sanctions available.</b> Amends § 256B.064, subd. 1b. Allows the commissioner to impose a fine. Requires the commissioner, when imposing sanctions under this section, to consider the certain factors.
11	<b>(256B.064, subd. 2)</b> allow the commissioner to impose a fine on a vendor of medical care under Minnesota Statutes, chapter 256B, for failure to correct errors in the maintenance of records for which a fine was imposed and for missing required documentation.	Senate modifies a sentence to clarify its meaning, otherwise the section is identical.  Staff recommends Senate.	<b>Sec. 8. Imposition of monetary recovery and sanctions.</b> Amends § 256B.064, subd. 2. Adds paragraph (f) which allows the commissioner to impose a fine on a vendor for incomplete documentation in a health service or financial record.  Adds paragraph (g) which requires the vendor to pay the fine on or before the payment date specified. If payment is not made, allows the commissioner to withhold or reduce payments to recover the amount of the fine.
12	<b>(256B.0659, subd. 21)</b> allows the commissioner to pursue Medicaid provider recoveries through new recovery mechanisms. The sections require all suppliers of durable medical equipment, prosthetics, orthotics, and supplies to name DHS as an obligee on all surety performance bonds required under federal law. DHS may require a provider to purchase a performance surety bond as a condition of enrollment. Section 10 requires all personal care assistance provider	Identical	<b>Sec. 9. Requirements for initial enrollment of personal care assistance provider agencies.</b> Amends § 256B.0659, subd. 21. Increase surety bond coverage amount for PCA provider agencies. Requires annual renewal of the bond.  Provides an immediate effective date.

SENATE

HOUSE

Section	Article 5: Department of Human Services Program Integrity and Office of Inspector General		Article 5: Department of Human Services Program Integrity and Office of Inspector General
	agencies to show proof of surety bond. This section is effective the day following final enactment.		
		House provision only.	<b>Sec. 10. Disclosures to commissioner of human services.</b> Amends § 270B.14, subd. 1. Allows the commissioner of revenue to disclose information to the commissioner of human services for income verification related to applicants and recipients of MA and the supplemental nutrition program.
<b>13</b>	<b>(299C.093)</b> modifies the Bureau of Criminal Apprehension chapter of law, allowing the Commissioner of Human Services to access data for purposes of performing a background study, consistent with section 2.	Senate-only provision.	
<b>14</b>	<b>(524.5-118, subd. 1)</b> relates to the appointment of a guardian or conservator, by requiring a background study every two years, instead of every five years, and requires criminal history data for a guardian or conservator who has not resided in the state for the previous ten years, instead of five years. This section also adds that the background study must include a search of the database of the agencies listed under section 524.5-118, subdivision 2a, to determine if the proposed guardian or conservator has ever held a professional license related to the responsibilities of a professional fiduciary.	Senate adds a cross-reference to new subdivision 2a under section 524.5-118, and deletes broad language related to whether the guardian or conservator has ever been denied a professional license.  (The differences between the House and Senate language in Senate section 5 and sections 14 to 19 result from a Senate floor amendment clarifying the duties of the Commissioner of Human Services.)	<b>HF1160, Art. 3</b> (Omnibus judiciary bill) Passed floor on 04/19/13.
<b>15</b>	<b>(524.5-118, subd. 2a)</b> provides the procedure related to the court requesting licensing agency data from the Commissioner of Human Services, and lists the agencies and boards for which the commissioner must access for data on licenses. The commissioner is required to provide to the court the electronically available data maintained in the listed agencies' databases related to the proposed guardian or conservator.	Different, the Senate subdivision lists the specific agencies and boards for which the commissioner must obtain licensing data, clarifies procedures for providing the data to the court, and clarifies when the commissioner is not required to repeat a search or perform a new background study.	<b>HF1160, Art. 3</b> (Omnibus judiciary bill) Passed floor on 04/19/13.
<b>16</b>	<b>(524.5-303)</b> amend the statutes relating to the petition requesting the appointment of a guardian by adding that the petition must include whether the proposed guardian or	Senate adds a cross-reference to new subdivision 2a under section 524.5-118.	<b>HF1160, Art. 3</b> (Omnibus judiciary bill) Passed floor on 04/19/13.

SENATE

HOUSE

Section	Article 5: Department of Human Services Program Integrity and Office of Inspector General		Article 5: Department of Human Services Program Integrity and Office of Inspector General
	<p>employee exercising powers and duties:</p> <ul style="list-style-type: none"> <li>· has ever applied for or held a professional license from an agency under section 524.5-118, subdivision 2a, and information regarding the license;</li> <li>· has ever been found civilly liable for fraud, misrepresentation, misappropriation, theft or conversion;</li> <li>· has ever filed for bankruptcy protection;</li> <li>· has any outstanding civil monetary judgments;</li> <li>· has ever had an order for protection or restraining order issued against the proposed guardian or conservator; or</li> <li>· has been convicted of a crime.</li> </ul>		
<b>17</b>	<p><b>(524.5-316)</b> modifies the sections of law regarding monitoring of guardianships. The new language requires the guardian to report to the court in writing within 30 days of the occurrence of any of the events listed under the new paragraph. If the guardian fails to comply, the court may decline to appoint the person as a guardian or remove the person as a guardian.</p>	<p>Senate adds a cross-reference to new subdivision 2a under section 524.5-118.</p>	<p><b>HF1160, Art. 3</b> (Omnibus judiciary bill) Passed floor on 04/19/13.</p>
<b>18</b>	<p><b>(524.5-403)</b> amends the statutes relating to the petition requesting the appointment of a conservator by adding that the petition must include whether the proposed conservator, or employee exercising powers and duties:</p> <ul style="list-style-type: none"> <li>· has ever applied for or held a professional license from an agency under section 524.5-118, subdivision 2a, and</li> </ul>	<p>Senate adds a cross-reference to new subdivision 2a under section 524.5-118.</p>	<p><b>HF1160, Art. 3</b> (Omnibus judiciary bill) Passed floor on 04/19/13.</p>

SENATE

HOUSE

Section	Article 5: Department of Human Services Program Integrity and Office of Inspector General		Article 5: Department of Human Services Program Integrity and Office of Inspector General
	information regarding the license; <ul style="list-style-type: none"> <li>· has ever been found civilly liable for fraud, misrepresentation, misappropriation, theft or conversion;</li> <li>· has ever filed for bankruptcy protection;</li> <li>· has any outstanding civil monetary judgments;</li> <li>· has ever had an order for protection or restraining order issued against the proposed guardian or conservator; or</li> <li>· has been convicted of a crime.</li> </ul>		
<b>19</b>	<b>(524.5-420)</b> modifies the sections of law regarding monitoring conservators. The new language requires the conservator to report to the court in writing within 30 days of the occurrence of any of the events listed under the new paragraph. If the conservator fails to comply, the court may decline to appoint the person as a conservator or remove the person as a conservator.	Senate adds a cross-reference to new subdivision 2a under section 524.5-118.	<b>HF1160, Art. 3</b> (Omnibus judiciary bill) Passed floor on 04/19/13.
<b>20</b>	<b>Instructions to the Commissioner.</b> Instructs the commissioner, in collaboration with labor organizations, to develop clear and consistent standards for state-operated services programs to address staffing shortages, identify and help resolve work safety issues, and elevate the use and visibility of performance measures and objectives related to overtime use.	Identical	<b>Art. 4, Sec. 19. Instructions to the commissioner.</b> Requires the commissioner, in consultation with labor organizations, to develop standards for state-operated services programs to address staffing shortages, help resolve workplace safety issues, and develop objectives related to overtime use.